IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 25167 of 2003

Between:

Tadi Sesha Reddy,

S/o. Chandra Reddy

Aged 55 years, Partner,
M/s. Sri Ramakrishna Raw and Boiled Rice Mill,

Jonnada, E.G. Dist.

..... PETITIONER

AND

1. The Union of India

rep. by its Secretary,
Ministry of Law Shastri Bhavan R.P. Road, New Delhi.
2 Andhra Bank Zonal Office, Kakinada
rep. by Authorised Officer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ of direction striking down the

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and striking down Section 13, 15 and 34 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 and set aside the notice dated 07-08-2003 issued by the 2nd respondent.

Counsel for the Petitioner :Mrs.P.RADHIKA

Counsel for the Respondents:Mr.A.RAJASHEKAR REDDY

(SC FOR CG) for R-1

Mr. Nuty Rammohan Rao for R-2

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

In view of the decision rendered by the Hon'ble Supreme Court in Transfer Case (Civil) No. 92-95 of 2002 dated 8th April, 2004 *(MARDIA CHEMICALS LTD v. UNION OF INDIA AND OTHERS*), challenge to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, is not tenable and for that reason, relief prayed for cannot be granted.

The Writ petition, therefore, is dismissed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

02-08-2004

bsc

To

1. The Secretary,
Ministry of Law,

Union of India,

Shastri Bhavan,

R.P. Road, New Delhi.
2 The Authorised Officer,

Andhra Bank Zonal Office,

Kakinada.

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